

REMARKS/ARGUMENTS

Summary

Claims 11-19 are pending in the application. Claims 11, 12, 13, 16 and 18 have been amended. Claims 11-19 are pending in the application. The amendments to the claims are supported in the specification. No new matter has been added.

Rejection of Claims

35 U.S.C. § 112

The Examiner has rejected claims 11-19 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. The Examiner says the claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicants have amended claims 11-19 to overcome these rejections. Applicants respectfully request that the Examiner withdraw the rejections and allow claims 11-19.

35 U.S.C. § 103

In the Office action, the Examiner rejected claims 1-10 under 35 U.S.C. §103(a) as being unpatentable over Latour et al. (U.S. Patent No. 4,849,102) and/or Friedman (U.S. Patent No. 4,715,955). Applicants have cancelled claims 1-10 and

added new claims 11-19 in the response dated April 9, 2008. Applicants believe the Examiner mistakenly rejected claims 1-10, which have been cancelled, instead of the recently added claims 11-19. Applicants respectfully traverse this rejection.

New claim 11 recites, “the first and second transverse filtrate channel portions are configured to form acute angles that provide a structural arrangement with an upper surface of the end plate, wherein the source of fluid is configured to flow out of an outlet port of the end plate.”

Thus, the structure of claim 11 provides the first and second transverse filtrate channel portions that form acute angles with a structural arrangement in order for the fluid to flow out of an outlet port. The acutely angled first and second transverse filtrate channel portions establish a specifically desirable structural arrangement providing an operator with easy access to the fittings associated with each of the channels and ensuring confidence that any fluid within the housing will drain out through the fittings. (Specification page 4, lines 4-16, page 13, lines 2-14, page 14, lines 10-15 and page 15, lines 10-15).

Latour et al. provides “A pair of membrane ultrafiltration cells are mounted on each of the front and back surfaces of a central bidirectional manifold having an exit and an entrance conduit connector on the same side wall of the manifold. The manifold takes fluid to be filtered from a source through a conduit connector for full flow delivery to each filter cell and collects filtered fluid from each cell to be dispensed through a further connector.” (Abstract). Further, Latour et al. states “it is an object of this invention to provide a filtering system of increased capacity utilizing

a plurality of interconnected filtering devices incorporating replaceable membrane filtering cells which are replaceable without the need of disconnecting any fluid conduit connections.” (Column 1, lines 40-45). However, Latour et al. does not suggest, anticipate or disclose that it provides first and second transverse filtrate channel portions that form acute angles that provide a structural arrangement in order for the fluid to flow out of an outlet port. In fact, Latour et al. discloses a manifold that has fluid flange connectors 19 and 20 that are fitted to passages 47 and 48, but does not discuss how the fluid will flow out of the manifold or if it will be added by channels or portions that have acute angles. (Column 3, lines 38-58). Also, the Examiner admits that “The rejection already pointed out that the acute angles as recited is not taught by the reference . . .” (Office action, page 4, lines 20-21). The Examiner said that the changes of size, shape, etc without special functional significance are not patentable and that the Applicants have not demonstrated criticality of having the acute angles, but the Applicants’ specification states that the acute angle provides a specifically desirable structural arrangement in order to provide an operator with easy access to the fittings associated with each of the channels and ensuring confidence that any fluid within the housing will drain out through the fittings. Therefore, the criticality of having the acute angles is shown because this is a specific structural arrangement to ensure that fluid will drain out through the fittings of a housing.

With respect to Friedman, the invention provides “a filtration apparatus including a filtration module having an axially stacked plurality of filter membrane

sheets with the module defining a stack of fluid flow chambers having multi-edged perimeters and disposed on opposite sides of and substantially co-extensive with each membrane sheet. The perimeters of the membrane sheets and the chambers are sealed such that fluid flow between adjacent chambers must pass through a membrane sheet straddled thereby. Also defined by the module are a plurality of feed passages communicating with alternating ones of the chambers adjacent first axially aligned edges thereof, a plurality of retentate passages communicating with the alternating chambers adjacent to second axially aligned edges thereof opposite to the first edges, and a plurality of filtrate passage means communicating with other ones of the chambers between the alternating ones thereof and with the filtrate passage means entering the other chambers adjacent to either the first or second aligned edges.” (Column 1, lines 34-55). However, Friedman does not suggest, anticipate or disclose that it provides first and second transverse filtrate channel portions that form acute angles that provide a structural arrangement in order for the fluid to flow out of an outlet port. In fact, Friedman discloses that fluids exits through outlet ports 56 and 57, but there is no disclosure of first and second transverse filtrate channel portions that form acute angles in order for the fluid to flow out of the outlet port. The utilization of the acute angle is a critical structural arrangement to ensure that any fluid within the housing will drain out through the fittings.

Thus, Latour et al., alone or in combination with Friedman does not anticipate, suggest or disclose providing first and second transverse filtrate channel portions that form acute angles that provide a structural arrangement in order for the fluid to flow

out of an outlet port. Further, Latour et al., alone or in combination with Friedman does not include acutely angled channel portions establish a specifically desirable structural arrangement providing an operator with easy access to the fittings associated with each of the channels and ensuring confidence that any fluid within the housing will drain out through the fittings.

Accordingly, Applicants respectfully submit that independent claims 11, 16 and 18 are allowable. Claims 12-15, 17 and 19, which depend from independent claims 11, 16 and 18, are allowable because independent claims 11, 16 and 18 are allowable. Applicants respectfully request that the Examiner allows claims 11-19.

Conclusion

Claims 11-19 are patentable. Therefore, in view of the above amendments, Applicants respectfully submit that this application is in condition for allowance and such action is earnestly requested. If for any reason, however, the Examiner feels that a telephone interview would be helpful in resolving any remaining issues the Examiner is respectfully requested to contact Applicants' undersigned attorney.

Applicants respectfully assert that the claims are in allowable form and earnestly solicit the allowance of the claims 11-19.

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Reply to Office action of May 28, 2008

Early and favorable consideration is respectfully requested.

Respectfully submitted,

GE Healthcare Bio-Sciences Corp.

By: /Dwayne L. Bentley/
Dwayne L. Bentley
Reg. No.: 45,947
Attorney for Applicants

GE Healthcare Bio-Sciences Corp.
800 Centennial Avenue
P. O. Box 1327
Piscataway, New Jersey 08855-1327

Tel: (732) 457-8678
Fax: (732) 457-8463

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Signature: /Melissa Leck/

Name: Melissa Leck